

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CONTINENTAL CASUALTY COMPANY,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	No. 17-4183
	:	
PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY,	:	
	:	
Defendant.	:	
	:	

ORDER

AND NOW, this 22nd day of May, 2019, upon consideration of **(1)** Plaintiff Continental Casualty Company's ("CCC") Motion for Summary Judgment (Doc. No. 34), Defendant Pennsylvania National Mutual Casualty Insurance Company's ("Penn National") Response (Doc. No. 41), and CCC's Reply (Doc. No. 43); and **(2)** Defendant Penn National's Motion for Summary Judgment (Doc. No. 36), CCC's Response (Doc. No. 39), and Penn National's Reply (Doc. No. 42), and following oral argument held on May 10, 2019, it is hereby **ORDERED** that both Motions are **DENIED**. A trial scheduling conference will be held on **Tuesday, June 11, 2019 at 2:00 p.m.** The Conference shall be conducted by telephone. Counsel for Plaintiff shall initiate the conference call with counsel for Defendant before calling Chambers.

It is further **ORDERED** that Defendant Penn National's Motion for Contempt directed to Marc Zingarini (Doc. No. 32), Defendant's Motion for Contempt directed to John J. Delany, III and Andrew Campbell (Doc. No. 33), and Defendant's Motion to Compel Production of Documents (Doc. No. 27) are all **DENIED WITHOUT PREJUDICE**. In light of the Court's ruling on the cross-motions for summary judgment, and given the representations at the May 10,

2019 oral argument that some of the alleged privileges protecting the sought-after documents may have been voluntarily waived, the parties shall meet and confer on whether these documents should be produced for purposes of the upcoming trial. Penn National may refile these motions, if necessary, after the meet and confer.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.